U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF: UNITED STATES OF AMERICA

COURT CASE NUMBER: CIVIL NO. 96-2399(CC)

DEFENDANT: RAFAEL LIND SOLARES, ET AL

TYPE OF PROCESS: NOTICE OF SALE

SERVE AT: NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

CLERK, U.S. DISTRICT COURT

ADDRESS *(Street or RFD, Apartment No., City, State and ZIP Code)*

SAN JUAN, PR

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

REBECCA VARGAS VERA
Assistant U.S. Attorney
Torre Chardón, Suite 1201
350 Carlos E. Chardón Street
Hato Rey, PR 00918
Attn: Foreclosure Unit/GGB/RLP
Claim No. 2003V00319

Number of process to be served with this Form 285: 1

Number of parties to be served in this case: 1

Check for service on U.S.A.

RECEIVED 2004 DEC -2 PM 12:51 ... FILED

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE *(Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):*

Fold

PLEASE INITIAL NOTICE OF SALE AND HOLD PENDING SALE. SERVE ONE COPY TO CLERK, U.S. COURT AND TWO TO OUR OFFICE.

U.S.M.S.

Fold

Signature of Attorney other Originator requesting service on behalf of: ☐ PLAINTIFF ☐ DEFENDANT

REBECCA VARGAS VERA

TELEPHONE NUMBER: (787) 766-5656

DATE: 11/18/04

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. *(Sign only for USM 285 if more than one USM 285 is submitted)*	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 69	No. 69	R.S. [signature]	11-29-04

I hereby certify and return that I ☐ have personally served , ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual , company, corporation, etc., at the address shown above on the on the individual , company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above *(See remarks below)*

Name and title of individual served *(if not shown above)*

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address *(complete only different than shown above)*

Date: 11-29-04 Time: 4:30 ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
$20.00			$20.00		

REMARKS:

ISSUED NOTICE OF SALE, COPY ATTACHED HERETO TO FILE WITH CLERK, RETURNED TWO COPIES TO REQUESTOR.

PRIOR EDITIONS MAY BE USED

PRINT 5 COPIES:
1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

FORM USM-285
Rev. 12/15/80
Automated 01/00

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA (Rural Development) Plaintiff v. RAFAEL LIND SOLIVERAS, JUSTINA SOTO MARTINEZ, and the conjugal partnership constituted by both Defendants	CIVIL NO. 96-2399(CCC) FORECLOSURE OF MORTGAGE

RECEIVED AND FILED
2004 DEC -2 PM 12:58

NOTICE OF SALE

TO: **RAFAEL LIND SOLIVERAS, JUSTINA SOTO MARTINEZ**, and the conjugal partnership constituted by both and any other party with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of $33,691.38 plus $2,367.56 in interest accrued as of September 3, 1996, plus $9.8074 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

> URBANA: Solar numero DOCE (12) Bloque K segun Plano de Inscripción del Proyecto denominado Urbanización Jardines de Mamey, radicado en el Barrio Egozcue, del término municipal de Patillas, Puerto Rico. Dicho solar tiene un area de Trescientos Cuarentiseis Punto Ochenta Metros Cuadrados (346.80 m.c.) y colinda por el Norte; en trece punto sesenta (13.60) metros lineales con lote numero nueve (9); por el Sur, en trece punto sesenta (13.60) metros lineales con calle numero siete (7); por el Este, en veinticinco punto cincuenta (25.50) metros lineales con lote numero once (11); por el Oeste, en veinticinco punto cincuenta (25.50) metros lineales con lote numero trece (13).
>
> Contiene una residencia de una sola planta I construida de concreto y bloques para una sola familia.

Plaintiff's mortgage is recorded at page 181rs of volume 163 of Patillas, finca 7269, 2nd inscription at the Property Registry of Guayama, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

> Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in

> effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be $40,490.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the **13th** day of **January, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal for the

Superior Court of Puerto Rico, Guayama Part, located at Centro Judicial, Ave. Jose Torres, Guayama, PR 00784 Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the **20th** day of **January, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the **27th** day of **January, 2004** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 29th day of November, 2004.

HERMAN J. WIRSHING
United States Marshal

By: ______________________
Roberto Schmidt
Legal Technician